



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

Division of Drinking Water

September 19, 2018

System No. 1000014

Robert Lapsley, Water Master  
Upper Deer Creek Tract  
34664 Squaw Leap Lane  
Auberry, CA 93602

### CITATION NO. 03-23-18C-068

### FAILURE TO SUBMIT THE 2017 ANNUAL REPORT TO THE DRINKING WATER PROGRAM

Enclosed is Citation No. 03-23-18C-068 (hereinafter "Citation"), issued to the Upper Deer Creek Tract (hereinafter "System"), public water system. Please note that there are legally enforceable deadlines associated with this Citation.

The Upper Deer Creek Tract will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately one hour on enforcement activities associated with this violation.

The Upper Deer Creek Tract will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Upper Deer Creek Tract for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the State Water Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is the date when

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FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

265 West Bullard Avenue, Suite 101, Fresno, CA 93704 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions regarding this matter, please contact our office at 559-447-3300.

Sincerely,



José A. Robledo, P.E.  
Senior Water Resource Control Engineer, Fresno District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

Enclosures

Certified Mail No. 7016 3010 0000 0446 2086

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** Upper Deer Creek Tract

**Water System No:** 1000014

**Attention:** Robert Lapsley, Water Master

34664 Squaw Leap Lane

Auberry, CA 93602

**Issued:** September 19, 2018

CITATION FOR NONCOMPLIANCE  
CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 104, PART 12  
CHAPTER 4, ARTICLE 7, SECTION 116530

FAILURE TO SUBMIT 2017 ANNUAL REPORT VIOLATION

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

1 The State Water Board, acting by and through its Division of Drinking Water (hereinafter  
2 "Division"), and the Deputy Director for the Division, hereby issues Citation No. 03-23-18C-068  
3 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to the Upper Deer Creek Tract  
4 (hereinafter "System"), for violation of CHSC, Division 104, Part 12, Chapter 4, Article 7, Section  
5 116530.

6  
7 A copy of the applicable statutes and regulations are included in Appendix 1, which is attached  
8 hereto and incorporated by reference.

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10 **STATEMENT OF FACTS**

11 The Upper Deer Creek Tract is classified as a transient-noncommunity public water system with  
12 a population of 70, serving 19 connections. The Upper Deer Creek Tract operates under  
13 Domestic Water Supply Permit No. 03-23-15P-014 issued by the State Water Board on 4/1/2015.

14  
15 Pursuant to Section 116530 of the CHSC, the Upper Deer Creek Tract must submit a technical  
16 report to the State Water Board when requested. The State Water Board has established a  
17 requirement for public water systems to annually submit a technical report specifying contact and  
18 operational information for the prior calendar year. On April 4, 2018 the State Water Board sent  
19 to all public water systems an email notification that the Annual Report for Calendar Year 2017  
20 was due to be submitted by June 1, 2018. This notice also included instructions on how to submit  
21 the report electronically to the State Water Board. The Upper Deer Creek Tract failed to submit  
22 the report by the due date. On June 21, 2018, the State Water Board sent a notice to the Upper  
23 Deer Creek Tract that its 2017 Annual Report was past due. As of the date of this Citation, the  
24 State Water Board has not received the report from the Upper Deer Creek Tract.



1 **DETERMINATION**

2 The Upper Deer Creek Tract has failed to submit an electronic Annual Report for the Calendar  
3 year 2017. Consequently, the State Water Board has determined that the Upper Deer Creek  
4 Tract violated CHSC, Division 104, Part 12, Chapter 4, Article 7, Section 116530.

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6 **DIRECTIVES**

7 The Upper Deer Creek Tract is hereby directed to take the following actions:

- 8  
9 1. By **October 15, 2018**, complete an Annual Report for 2017 and submit it to the State  
10 Water Board at <http://drinc.ca.gov/ear> in accordance with the instructions provided in the  
11 notice contained in Appendix 2.

12  
13 All submittals required by this Citation, with the exception of the 2017 Annual Report, shall be  
14 electronically submitted to the State Water Board at the following address. The subject line for  
15 all electronic submittals corresponding to this Citation shall include the following information:  
16 Water System name and number, citation number and title of the document being submitted.

17  
18 [dwpdist23@waterboards.ca.gov](mailto:dwpdist23@waterboards.ca.gov)

19  
20 The State Water Board reserves the right to make modifications to this Citation as it may deem  
21 necessary to protect public health and safety. Such modifications may be issued as  
22 amendments to this Citation, and shall be deemed effective upon issuance.

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24 Nothing in this Citation relieves the Upper Deer Creek Tract of its obligation to meet the  
25 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with  
26 Section 116270), or of any regulation, standard, permit or order issued or adopted thereunder.

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**PARTIES BOUND**

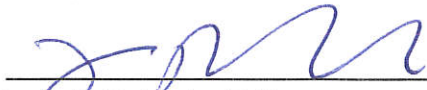
This Citation shall apply to and be binding upon the Upper Deer Creek Tract, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this Citation are severable, and the Upper Deer Creek Tract shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.

  
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José A. Robledo, P.E.  
Senior Water Resource Control Engineer  
Fresno District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

9/19/18  
\_\_\_\_\_  
Date



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2 Appendices [2]:

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4 1. Applicable Statutes and Regulations

5 2. 2017 Annual Report Notification

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7 Certified Mail No. 7016 3010 0000 0446 2086